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**David Stafford Johnson****740 Gilpin Street****Denver, Colorado 80218****303-338-4254****Cell 303-931-2360****dsjoh52@aol.com**

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AZ CORP COMMISSION  
DOCUMENT CONTROL**Docket Control****Arizona Corporation Commission****1200 West Washington Street****Phoenix, Arizona 85007****T-03889A-02-0796****T-04125A-02-0796****cc: Maureen Scott, Attorney****Arizona Corporation Commission****1200 West Washington Street****Phoenix, Arizona 85007**

**Re: Complaint: Utilities Division Staff vs. LiveWireNet of Arizona, LLC; The Phone Company Management Group, LLC; The Phone Company of Arizona Joint Venture dba The Phone Company of Arizona; On Systems Technology, LLC et al; The Phone Company of Arizona, LLP, et al, Respondents.**

November 8, 2002

Dear Sir or Madam:

Please find enclosed an Answer filed on behalf of LiveWireNet of Arizona, LLC, the Phone Company Management Group, LLC, On Systems Technology, LLC and its principals, Tim Wetherald and Frank Tricamo, and David Stafford Johnson, all Respondents in the captioned matter.

I have been retained by the above Respondents and am filing this answer in lieu of Michael Glaser who no longer represents the above Respondents in this matter.

If you have any questions concerning this matter, please do not hesitate to contact me at your convenience I am

Respectfully yours,

Arizona Corporation Commission

**DOCKETED**

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David Stafford Johnson

**BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED**

**WILLIAM A. MUNDELL**

Chairman

**JIM IRVIN**

Commissioner

**MARC SPITZER**

Commissioner

2002 NOV 14 A 10: 11

AZ CORP COMMISSION  
DOCUMENT CONTROL

UTILITIES DIVISION STAFF,

Complainant

v.

LIVEWIRENET OF ARIZONA, LLC

Respondent

T-03889A-02-0796

T-04125A-02-0796

THE PHONE COMPANY MANAGEMENT  
GROUP, LLC

Respondent

THE PHONE COMPANY OF ARIZONA JOINT  
VENTURE D/B/A THE PHONE COMPANY OF  
ARIZONA

Respondent

ON SYSTEMS TECHNOLOGY, LLC, and its  
Principles, TIM WETHERALD and FRANK  
TRICAMO

Respondents

DAVID STAFFORD JOHNSON

Respondent

THE PHONE COMPANY OF ARIZONA, LLP

And its Members

Respondents

**ANSWER TO COMPLAINT**

Live Wire Net of Arizona, LLC ("Live Wire Net"), The Phone Company Management Group, LLC ("PCMG"), and On Systems Technology, LLC ("On Systems Tech") and its principals, Tim Wetherald and Frank Tricamo (collectively "On Systems"), and David Stafford

Johnson, for their Answer to the Complaint of the staff of the Utilities Division of the Arizona Corporation Commission respectfully state as follows:

**JURISDICTION**

1. Live Wire Net, PCMG and On Systems admit the allegations in paragraph number 1 of the Complaint.

**RESPONDENTS**

2. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 2 of the Complaint.

3. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 3 of the Complaint.

4. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 4 of the Complaint.

5. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 5 of the Complaint.

6. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 6 of the Complaint.

7. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 7 of the Complaint and confirm that Respondents Tim Wetherald and Frank Tricamo are members of On Systems Technology, and that Respondent David Stafford Johnson is not a member of On Systems Technology, and admit the allegations in paragraph 7 of the Complaint concerning Tim Wetherald who is listed as the Management Contact for the Phone Company of Arizona and The Phone Company Management Group, LLC.

## **BACKGROUND**

8. Live Wire Net, PCMG and On Systems deny the allegations in the first sentence of paragraph 8 of the Complaint as applied to them. Live Wire Net, PCMG and On Systems deny the allegations in the second sentence of paragraph 8 of the Complaint.

9. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 9 of the Complaint.

10. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 10 of the Complaint.

11. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 11 of the Complaint.

12. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 12 of the Complaint.

13. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 13 of the Complaint.

14. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 14 of the Complaint.

15. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 15 of the Complaint.

16. Live Wire Net, PCMG and On Systems are without sufficient information to form a belief as to the truth of the allegations in paragraph 16 of the Complaint.

17. Live Wire Net, PCMG and On Systems deny the allegations in the first, second and third sentences in paragraph 17 of the Complaint. Live Wire Net, PCMG and On Systems admit the allegations in the fourth sentence in paragraph 17 of the Complaint. Live Wire Net,

PCMG and On Systems are without information sufficient to form a belief as to the truth of the allegations in the last sentence in paragraph 17 of the Complaint.

18. Live Wire Net, PCMG and On Systems are without information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Complaint, except that Live Wire Net, PCMG and On Systems deny that customers have not had the ability to get into contact with Live Wire Net representatives.

19. Live Wire Net and PCMG deny that they are affiliated with Mile High Telecom Joint Venture. On Systems admits that it is affiliated with Mile High Telecom Joint Venture.

20. Live Wire Net, PCMG and On Systems are without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20 of the Complaint.

21. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 21 of the Complaint.

22. Live Wire Net, PCMG and On Systems admit the allegations in the first and second sentences of paragraph 22 of the Complaint. Live Wire Net, PCMG and On Systems deny the allegations in the third sentence of paragraph 22 of the Complaint.

23. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 23 of the Complaint.

**CLAIMS**  
**(First Count)**

24. Live Wire Net, PCMG and On Systems restate and reallege the allegations of paragraphs 1 through 23 of their Answer as if fully set forth herein.

25. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 25 of the Complaint.

26. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 26 of the Complaint, except that they admit that Michael L. Glaser withdrew the application of The Phone Company of Arizona for a CCN.

27. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 27 of the Complaint.

**(Second Count)**

28. Live Wire Net, PCMG and On Systems restate and reallege the allegations of paragraphs 1 through 27 of their Answer as if fully set forth herein.

29. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 29 of the Complaint.

30. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 30 of the Complaint.

31. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 31 that PCMG is providing resold local and interexchange service to approximately 4,500 customers in Arizona.

32. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 32 of the Complaint.

33. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 33 of the Complaint that On Systems is not a registered public service corporation in the State of Arizona, nor does it have an application for a CCN pending, but denies all remaining allegations in paragraph 33 of the Complaint.

34. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 34 of the Complaint.

**(Third Count)**

35. Live Wire Net, PCMG and On Systems restate and reallege the allegations of paragraphs 1 through 34 of their Answer as if fully set forth herein.

36. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 36 of the Complaint.

37. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 37 of the Complaint.

38. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 38 of the Complaint.

39. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 39 of the Complaint.

40. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 40 of the Complaint.

**(Count Four)**

41. Live Wire Net, PCMG and On Systems restate and reallege the allegations of paragraphs 1 through 40 of their Answer as if fully set forth herein.

42. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 42 of the Complaint.

43. Live Wire Net, PCMG and On Systems admit the allegations in paragraph 43 of the Complaint.

44. Live Wire Net, PCMG and On Systems are without information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Complaint.

45. Live Wire Net, PCMG and On Systems deny the allegations in paragraph 45 of the Complaint.

**AFFIRMATIVE DEFENSES**

1. Qwest Corporation's refusal to process PCMG's local service requests has prevented PCMG's customers from changing their choice of preferred interexchange carrier, which has generated unfounded complaints against PCMG's service.

2. Qwest Corporation has significantly overcharged PCMG for local exchange service which has resulted in PCMG's dispute of Qwest Corporation's invoices for service and PCMG's refusal to pay Qwest Corporation for such overcharges has caused Qwest Corporation to refuse to process PCMG's local service requests.

3. David Stafford Johnson should be dismissed as a Respondent in this matter since he does not own a membership nor other ownership interest in On Systems Technology, LLC or in any other Respondent in this matter.

RESPECTFULLY SUBMITTED this 8th day of November, 2002.

LIVEWIRENET OF ARIZONA, LLC

THE PHONE COMPANY MANAGEMENT  
GROUP, LLC

ON SYSTEMS TECHNOLOGY, LLC and  
Its Principals, TIM WETHERALD and FRANK  
TRICAMO

DAVID STAFFORD JOHNSON

By:   
David Stafford Johnson